Claims 1 has been amended and claims 2 - 61 have been added. Claims 1 – 61 remain pending in the application. The Examiner is respectfully requested to re-examine the amended claim and examine the newly added claims.

Claims 2 – 61 have been added claiming subject matter disclosed in the instant application but not previously claimed.

Claim 1 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. In particular, the Examiner has requested that "CSF" be spelled out as "Cerebral Spinal Fluid" in the claim. Claim 1 has been amended to make this change. In view of this amendment, the Examiner is respectfully requested to reconsider and remove the '112 rejection.

Claims 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg et al. Goldberg et al. teaches a closed drainage device for receiving fluid from body or tissue cavities (col. 2, lines 59 – 61). In particular the Goldberg et al. device includes a drain 20 that is attached to a clear, flexible or rigid reservoir 30 (col. 5, lines 14 – 17). A vent 34 is attached to a housing 14 which is in turn connected to the reservoir 30 (Fig. 1). Vent 34 has a filter 36 that is separated from and located above housing 14 (Fig. 4). Filter 36 is hydrophobic and has a pore size less than or equal to 0.45 micron (col. 6, lines 1 – 3). Filter 36 may be made of expanded PTFE (col. 6, lines 3 – 6).

Claim 1 as amended now claims in part:

> "a vent ... having a filter ... wherein the pore size of the filter ranges from greater than .45 μm to about 5.0 μm, the filter being flush with the outer surface of the volume reservoir."

Goldberg et al. does not teach or suggest a device having a filter having a pore size "greater than .45 μm to about 5.0 μm" as is claimed. Instead, Goldberg et al. expressly teaches that its filter 36 "must have a pore size less than or equal to 0.45 micron." (Col. 6, lines 1 – 3).

Further, Goldberg et al. does not teach or suggest a vent having a filter where "the filter is flush with the outer surface of the volume reservoir" as is claimed in claim 1. Instead, Goldberg

et al. teaches a filter 36 located above and separated from the volume reservoir (Fig. 4). As a result, Goldberg et al. neither teaches or suggests the subject matter of claim 1. Therefore, the Examiner is respectfully requested to re-examine claim 1 as amended and thereafter allow claim 1 and claims 2 – 4 that depend therefrom.

Claims 5 – 41 have been added. It is believed that the Examiner would apply the Goldberg et al. reference to these claims as well. For the following reasons, it is respectfully submitted that these claims are also in condition for allowance.

Claim 5 claims in part:

> "a vent ...having a filter made of a porous material wherein the pore size of the filter ranges from greater than .45 μm to about 5.0 μm."

As stated above, Goldberg et al. does not teach or suggest a device having a filter having a pore size "greater than .45 μm to about 5.0 μm" as is claimed. Instead, Goldberg et al. expressly teaches that its filter 36 "must have a pore size less than or equal to 0.45 micron." (Col. 6, lines 1 – 3). Therefore, Goldberg et al. neither anticipates nor renders obvious the subject matter of claim 5. Therefore, the Examiner is respectfully requested to examine and thereafter allow claim 5 and claims 6 – 13 that depend from and further limit claim 5.

Claim 14 claims in part:

> "a vent ... having a filter ..., the filter being flush with the outer surface of the volume reservoir."

Again, as stated above, Goldberg et al. does not teach or suggest a vent having a filter where "the filter is flush with the outer surface of the volume reservoir." Instead, Goldberg et al. teaches a filter 36 located above and separated from the volume reservoir (Fig. 4). As a result, Goldberg et al. neither teaches or suggests the subject matter of claim 14. Therefore, the Examiner is respectfully requested to examine claim 14 and thereafter allow claim 14 and claims 15 – 23 that depend therefrom.

Claim 24 claims in part:

> "a drip chamber ... ;

an inlet manifold ... having a vent, ..., the vent having a filter made of a porous material wherein the pore size of the filter ranges from greater than .45 μm to about 5.0 μm; [and]
a drainage bag ... . "

Gilbert et al. does not teach or suggest both a drip chamber and a separate drainage bag. Instead, Gilbert et al. teaches only a single reservoir 30. Further, as stated above, Gilbert et al. does not teach or suggest a vent having a filter "wherein the pore size of the filter ranges from greater than .45 μm to about 5.0 μm" as explained above. For these reasons, Gilbert et al. does not teach or suggest the subject matter of claim 24. Therefore, claim 24 and claims 25 – 41 that depend from and further limit claim 24 are believed to be in condition for allowance. The Examiner is respectfully requested to allow claims 24 – 41.

Claim 42 claims in part:

"a drip chamber ... ;
an inlet manifold ... having a vent, ... the vent having a filter made of a porous material wherein the pore size of the filter ranges from about .22 μm to about 5.0 μm; [and]
a drainage bag; ... ."

Gilbert et al. does not teach or suggest both a drip chamber and a separate drainage bag. Instead, Gilbert et al. teaches only a single reservoir 30. For this reason, Gilbert et al. does not teach or suggest the subject matter of claim 42. Therefore, claim 42 and claims 43 – 61 that depend from and further limit claim 42 are believed to be in condition for allowance. The Examiner is respectfully requested to allow claims 42 – 61.

Claims 1 – 61 are believed to be in condition for allowance. The Examiner is requested to re-examine claim 1 and examine newly added claims 2 – 61 and thereafter allow the claims. Should the Examiner find it useful, the Examiner is requested to contact the undersigned at (612) 514-3346 with any questions or comments she may have.

Respectfully submitted,

Applicants

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Curtis D. Kinghorn
Reg. No.33,926
MEDTRONIC, INC.
7000 Central Avenue NE
Minneapolis, MN 55432
Telephone: (612) 514-3346

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